



THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Roger J. Talish, et al.

SERIAL NO.: 09/574,461 GROUP ART UNIT: 3768

FILED: May 18, 2000 EXAMINER: Sullivan, Julianne M.

FOR: APPARATUS AND METHOD FOR ULTRASONICALLY AND
ELECTROMAGNETICALLY TREATING TISSUE

ATTORNEY DOCKET NO.: 41482/205541

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DATE: 8 September 2006

REQUEST FOR ISSUANCE OF INITIALLED FORM PTO/SB/08

Sir:

Applicants filed a Supplemental Information Disclosure Statement, Transmittal Form with Certificate of Mailing, Fee Transmittal Form, two sheets of Form PTO/SB//08 and 27 publications on November 20, 2002, to be considered in the above-identified patent application.

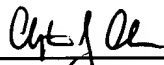
Applicants have not received an initialled copy of the Form PTO/SB/08 which contains the Examiner's initials. Enclosed are copies of the items identified above together with a copy of the postcard acknowledging receipt by the U.S. Patent and Trademark Office on November 25, 2002.

Applicants respectfully request that the Examiner provide the Form PTO/SB/08 which contains the Examiner's initials.

U.S. Patent Application Serial No. 09/574,461
Filed: May 18, 2000
REQUEST FOR ISSUANCE OF INITIALLED FORM PTO/SB/08

The Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Order Account No. 11-0855.

Respectfully submitted,



Christopher W. Chan
Reg. No. 44,070

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
(404) 815-6500



Smith Nephew

Sir: The "RECEIVED" stamp on the card acknowledges receipt of the enclosed:

Applicants: Talish and Winder

Title: "Apparatus and Method for Ultrasonically and Electromagnetically Treating Tissue"

Serial No. 09/574,461 Docket No. 41482/205541 Filed May 18, 2000

1. PTO/SB/21 Transmittal
2. PTO/SB/17 Fee Transmittal (in duplicate)
3. Supplemental Information Disclosure Statement
4. Form PTO/SB/08A (2 pages)
5. 27 Publications
6. Check in the amount of \$180.00

Date: November 20, 2002
Bruce D. Gray, Reg. No. 35,799





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Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/574,461
Filing Date	May 18, 2000
First Named Inventor	Talish, et al.
Group Art Unit	3736
Examiner Name	Devaang Shah
Attorney Docket Number	41482/205541

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment / Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)
<input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
-Form PTO/SB/08A (2 pages)
-27 Publications
-Check in amount of \$180
-Return Receipt Postcard |
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name
Bruce D. Gray, Reg. No. 35,799
Kilpatrick Stockton LLP

Signature

Date

November 20, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 20, 2002

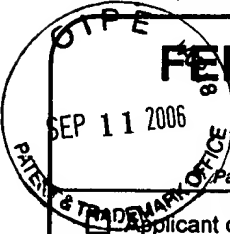
Typed or printed name
Emily Guida

Signature

Date
November 20, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ENTERED COMPUTER ON 11/22/02 GM
205541A



FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete If Known

Application Number 09/574,461
Filing Date May 18, 2000
First Named Inventor Talish et al.
Examiner Name Devaang Shah
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METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continued)																																																																																																																																																																																																				
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Deposit Account Number: 11-0655 Deposit Account Name: Kipatrick Stockton LLP					<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>400</td> <td>2252</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>920</td> <td>2253</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,440</td> <td>2254</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,960</td> <td>2255</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>320</td> <td>2401</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>320</td> <td>2402</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>280</td> <td>2403</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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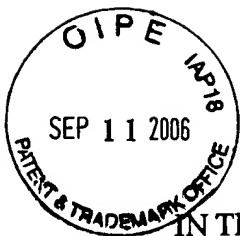
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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Bruce D. Gray	Registration No. Attorney/Agent)	35,799	Telephone	404.815.6218
Signature				Date	November 20, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Talsih et al.

Serial No.: 09/574,461

Filed: May 18, 2000

For: APPARATUS AND METHOD
FOR ULTRASONICALLY AND
ELECTROMAGNETICALLY
TREATING TISSUE

Group Art Unit: 3736

Examiner: Devaang Shah

Commissioner for Patents
Washington, D.C. 20231

Attorney Docket No. 41482/205541
Date: November 20 2002

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants identify the documents listed on the PTO/SB/08A accompanying this submission. Copies of the listed documents are enclosed.

Remarks

Applicants do not concede that the identified materials constitute prior art within the meaning of the United States patent laws.

This Information Disclosure Statement ("IDS") is being filed after the period specified in 37 CFR § 1.97(b) but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by the fee set forth in § 1.17(p). Applicants enclose a check in the amount of

U.S.S.N.: 09/574,461
Filed: May 18, 2000
Supplemental Information Disclosure Statement

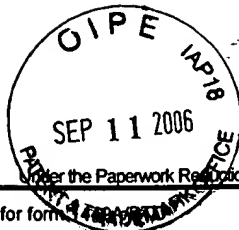
\$180.00, the fee pursuant to 37 CFR 1.97(c)(2) and 1.17(p). The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



Bruce D. Gray
Reg. No. 35,799
ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
404.815.621818



Substitute for form

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number	09/574,461
Filing Date	May 18, 2000
First Named Inventor	Talish, et al.
Group Art Unit	3736
Examiner Name	Devaang Shah
Attorney Docket Number	41482-205541

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US- 4,476,847	10/16/84	Taenzer, et al.	
		US-5,181,512	01/26/93	Viebach, et al.	
		US-5,254,123	10/19/93	Bushéy	
		US- 5,307,284	04/26/94	Brunfeldt, et al.	
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		US- 5,626,630	05/06/97	Markowitz, et al.	
		US-5,899,425	05/04/99	Corey Jr., et al.	
		US-6,022,349	02/08/00	McLeod, et al.	
		US-6,068,596	05/30/00	Weth, et al.	
		US-6,179,797	01/30/01	Brotz	
		US-6,261,221	07/17/01	Tepper, et al.	
		US- 6,360,027	03/19/02	Hossack, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 85/03449	08/15/85	Ben-Dov		
		DE 4111055 A1	10/10/91	Ronge jun.		
		DE 29811185 U1	10/01/98	Rhee		
		WO 00/03663*	01/27/00	Hagenmeyer		
		AU 19950292	02/07/00	Hagenmeyer		
		WO 00/76406	12/21/00	Winder et al.		

*For English version see related Australian Application No. 19950292

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¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

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**INFORMATION DISCLOSURE
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Sheet 2

of

2

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Application Number	09/574,461
Filing Date	May 18, 2000
First Named Inventor	Talish et al.
Group Art Unit	3736
Examiner Name	Devaang Shah
Attorney Docket Number	41482-205541

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Pethica, B.A., et al., Abstract, Biological Repair and Growth Society, June 1998.	
		Goodship, et al., "Low magnitude high frequency mechanical stimulation of endochondral bone repair" 43 rd Annual Meeting Orthopaedic Research Society, vol. 22, Sec. 1, Feb. 9-13 (1997)	
		Y. Qin, et al., "Correlation of In Vivo Bone Adaptation and Mechanical Parameters Using Low Magnitude, High Frequency Loading," 41 st Annual Meeting Orthopaedic Research Soc., vol. 20 - Sec. 1, Feb. 13-16 (1995)	
		Grewe, et al., "Acoustic Properties of Particle Polymer Composite for Ultrasonic Transducer Backing Applications," <i>IEEE</i> , (1990)	
		Wu and Cubberly, "Measurement of Velocity and Attenuation of Shear Waves in Bovine Compact Bone Using Ultrasonic Spectroscopy," <i>Med. & Biol.</i> , Vol. 23, No. 1, 129-134, 1997.	
		Pilla, et al., "Non-Invasive Low-Intensity Pulsed Ultrasound Accelerates Bone Healing in the Rabbit," <i>Journal of Orthopaedic Trauma</i> , Vol. 4, No. 3, pp. 246-253 (1990)	
		Bascom, "Other Continuous Fibers," 118/Constituent Material Form	
		Bascom, "Other Discontinuous Forms," 120/Constituent Material Forms	
		Niemczewski, B., "A Comparison of Ultrasonic Cavitation Intensity in Liquids," <i>Ultrasonics</i> , May 1980, pp. 107-110.	

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